

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(THREE JUDGE COURT)**

*

O. JOHN BENISEK *et al.*

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Plaintiffs

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v.

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CIVIL NO. JKB-13-3233

LINDA H. LAMONE *et al.*

*

Defendants

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* * * * *

MEMORANDUM AND ORDER

Now pending before the Court is the MOTION TO INTERVENE of former Plaintiff Stephen M. Shapiro (ECF No. 109). The Plaintiffs have responded in opposition (ECF No. 121)¹ as have the Defendants (ECF No. 122). Mr. Shapiro previously and voluntarily asked that he be dismissed from this action (ECF No. 105) which the Court then ordered (ECF No. 106). There is no suggestion that Mr. Shapiro was not advised by counsel and fully aware of the implications of his choice to withdraw from the matter. The Court considers Mr. Shapiro's earlier decision to seek dismissal to be a waiver of any continuing interest in the case and, applying principles applicable when parties seek relief pursuant to Rule 60(b), Federal Rules of Civil Procedure, the Court finds no justification for readmitting him to this action.

The MOTION TO INTERVENE (ECF No. 109) is DENIED. Judges Niemeyer and Russell join in this Memorandum and Order.

¹ Out of an abundance of caution, the Plaintiffs' opposition papers relating to this Motion have not been considered by the Court. See Rule 1.9, Maryland Rules of Professional Conduct, codified at Rule 16-812, Maryland Rules of Court, and made applicable in these proceedings by Rule 704, Local Rules of the U.S. District Court for the District of Maryland.

DATED this 27th day of January, 2017.

BY THE COURT:

/s/
James K. Bredar
United States District Judge